

Nov 08, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES LEE GILLENWATER,

No. 2:18-CV-00263-SMJ

Plaintiff,

ORDER DISMISSING CASE

v.

LONNY R. SUKO, Senior, U.S.
District Court Judge; ROSANNA M.
PETERSON, U.S. District Court Judge;
MICHAEL E. HOROWITZ, Inspection
General – U.S. Department of Justice;
BART M. DAVIS, United States
Attorney; JOSEPH H. HARRINGTON,
United States Attorney; TIMOTHY
OHMS, Assistant United States
Attorney; P.J. DENNIS, United States
Probation; FRANK L. CIKUTOVICH;
JEFFREY K. FINER; THOMAS O.
Rice, Chief U.S. District Court Judge;
STANLEY A. BASTIAN, U.S. District
Court Judge; MARY K. DIMKE,
Magistrate Judge; JOHN T.
RODGERS, Magistrate Judge; B.
LYNN WINMILL, Chief U.S. District
Court Judge; STEPHEN KENYON,
Clerk of the Court for the U.S. District
Court for the District of Idaho; STAFF,
OFFICE OF THE CLERK OF THE
COURT FOR THE DISTRICT COURT
FOR THE DISTRICT OF IDAHO,
Names Unknown; EDWARD J.
LODGE, Senior District Court Judge;
DAVID C. NYE, U.S. District Court

Judge; CANDY W. DALE, U.S.
Magistrate Judge; RONALD E. BUSH,
Chief U.S. Magistrate Judge; U.S.
COURT OF APPEALS FOR THE
NINTH CIRCUIT EN BANC, Names
Unknown – All Circuit Court Judges
who had an opportunity to vote on any
en banc petition filed by Charles Lee
Gillenwater,

Defendants.


On October 11, 2018, the Court ordered Plaintiff to file proof of service of the summons and complaint pursuant to Local Civil Rule 4(l) on or before November 1, 2018. ECF No. 12. The Court warned Plaintiff that if he fails to do so, this case may be dismissed without prejudice under Federal Rule of Civil Procedure 4(m). *Id.* Plaintiff failed to comply. Because Plaintiff has not effected service within ninety days of filing and has not shown good cause for the failure, the Court, having given Plaintiff advance notice, now dismisses this case without prejudice.

Accordingly, **IT IS HEREBY ORDERED:**

1. All claims are **DISMISSED WITHOUT PREJUDICE**, with all parties to bear their own costs and attorneys' fees.
2. All pending motions are **DENIED AS MOOT**.
3. All hearings and other deadlines are **STRICKEN**.
4. The Clerk's Office is directed to **CLOSE** this file.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
2 provide a copy to *pro se* Plaintiff.

3 **DATED** this 8th day of November 2018.

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6 SALVADOR MENDOZA, JR.
7 United States District Judge
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